837 husband and returns to her parents. The latter will attempt to persuade
586 her to return to her husband, for if she refused they would be obliged to refund the dowry.

The husband who finds out that his wife has committed adultery (gusambana, lit., to take another man) enjoins her not to do it again. The second time he strikes her. If she continues, he repudiates (gusendwa) her publicly. A repudiated wife is brought into disrepute and finds it difficult to marry again. Sometimes the adulterous wife is sent away at night, out of consideration for the family, so that her offense is not known by everybody. [29]

837 Formerly, if the husband surprised his wife in the act, he
586 would have the man arrested and beaten. Then before witnesses he
684 would repudiate his wife. If the accomplice was a nobleman like
563 himself, he was allowed to leave with the woman. But, usually, if he was married, he would return to his wife who would merely make a jealous scene. When the lover was a Mututsi umugaragu he was deprived of his property and exiled far away. If he was a Muhutu, the husband could demand from the Mwami permission to impale him like a cattle thief, or else he would thrash him soundly and have him driven away from the hill. An accomplice of the Mwami's adulterous wife was always killed. In none of these cases was the woman seriously ill-treated.

684 Our occupation has put a stop to cruel punishments, and at the
586 present time the wife's accomplice is not punished at all. Adultery
177 leads only to pecuniary reparation (itshyiru) by the lover. On the other hand, divorce is pronounced to the husband's benefit and the dowry is refunded to him, at least if there are no children by the marriage.

848 If the adulterous woman is pregnant, she will always claim that
586 the child she is expecting is her husband's. Being in doubt, the hus-
837 band takes the child (umusambanano) (1) as soon as it is weaned. He

1. General term designating an illegitimate child, including that born of adultery or incest.

also provides for his wife's needs but does not consent to take up again their life in common.

If the husband is sure that the child is the fruit of adultery, he has nothing more to do with his wife, and her parents adopt the child.

837 It may also happen that the accomplice marries the mother of his child. A complaisant husband, or one who, knowing that his wife is unfaithful, keeps her in spite of all, [30] is the object of ridicule by his neighbors and friends, who do not hesitate to call him inganzwa.

837 586 Among the Bahutu, the adulterous wife is beaten by her husband and sent back to her family. If there are no children from the marriage the husband will claim the dowry paid to the wife's parents.

837 Among the Batwa, adultery is hardly important. If a wife is unfaithful her husband forgives her, and if she is pregnant he considers the child his own.

8. Extramarital Relations

836 684 Sexual relations have always been strictly forbidden to young Batutsi and Bahutu girls. Violation of this interdiction would bring great misfortune to the families, says the voice of the people. In the past, pregnant girls (ikinyandaro) (1) were often even killed with their

1. According to the beliefs of the Banyarwanda, a girl taken by force does not become pregnant.

children, or else they were led beyond the froniters of Ruanda to a desert island in Lake Kivu where they died of hunger, unless the Banyabungo came to their rescue. Sometimes they were led to Urundi where they had to remain until they gave birth. The child was killed or abandoned to the Barundi.

Today these cruel sanctions no longer exist, but a girl-mother is always considered a disgrace (inshyano) to her parents. The latter, however, usually take in the child.

Nevertheless, the young nobles do not deprive themselves of having sexual relations with the abagaragu girls placed with their fathers as servants. On the other hand, the Mututsi young man caught with a girl of his own caste was punished in the past in the same way as the accomplice of a married woman. [31]

837 [574] The great chiefs who possess concubines (insholeke) put them at the disposal of their visiting friends and relatives.

Blood brothers or friends sometimes exchange their wives for a night (guhan'ingo, lit., to exchange the ingo).

689 Rain makers (abavubyi) proved guilty of imposture (3) were

> 3. In spite of this terrible punishment the rain makers continued to ply their dangerous but lucrative trade.

drowned in Lake Mugessera.

684 Unmarried girls found to be pregnant suffered the same fate.

7. Unintentional Homicide

682 It sometimes happens that a beater or a hunter hidden in thick shrubbery is confused with the game or a wild animal and is killed by an arrow. These accidents are regulated in the following way:

If an arrow, after wounding an animal, kills a man, the shooter's responsibility is not involved.

If an arrow intended for an animal misses its target and kills a man who has indicated his presence, [114] the clumsy shooter is considered a murderer and the right of revenge is granted the victim's family. However, if the murderer can prove that the victim gave no signal, he is relieved of responsibility. He can also plead not guilty before the tribunal of the provincial chief or of the king by pointing out, with the help of witnesses, that because of the cries and many signals set off at the same time, he was unable to distinguish his victim's warning whistle, or that the latter moved after having given the signal agreed upon.

If the plaintif's statements are accepted, the tribunal declares that the victim has perished by reason of his own imprudence or of an accident for which the killer cannot be held responsible, and the latter is definitely exonerated.

8. Imputability and Responsibility

672 Except in a case where the guilty one and the victim are of different social ranks, the seriousness of the punishment corresponds ne varietur to a determined offense, and attenuating or aggravating

585 As soon as they have been delivered, the bride follows the matchmaker to the newly-built hut of the bridegroom. There the wedding is duly celebrated; the family members give presents to each other, eat and drink, and dance. Through her marriage the wife becomes part of the husband's family (patriarchate). On her wedding day the bride is expected to feign great sorrow; she covers her head with a veil, and the bridegroom must try to assuage her grief by giving her presents. For seven days the young couple remain unseen in their hut, but even on the following days the wife covers her head with a veil whenever she goes out of the house (No. 4, p. 222; No. 19, p. 359).

Great value is placed on the bride's virginity. If the sleeping mat of the young wife shows traces of blood after the wedding night, the young husband gratefully sends this proof to his wife's parents and adds a hoe as a present.

582 There are quite a number of obstacles to marriage. Above all lineal and collateral blood relatives, members of the same clan or of the same totem group, are not allowed to marry each other; exogamy is the supreme rule (see p. 160).

582 563 Even among the Batwa of Urundi marriage between close relatives is not permitted. Marriage between a Muhutu and a Mutussi woman is not permitted, or it is possible only by royal permission in exceptional cases. The racial pride of the Batussi repudiate such a union. Even where toleration is the 836 rule, sexual intercourse between unmarried members of the same race is probably rare since Barundi mothers keep a watchful eye on their adolescent daughters. It may safely be said that the Barundi do not permit pre-marital freedom on principle.

837 684 The husband expects marital fidelity, unless he purposely surrenders his wife to a clan member. In contrast, the husband is not so strict about his own fidelity. It is true that adultery committed in secret is not punished by law as a case of theft, although in fact it is regarded as such by the Barundi. However, the deceived husband is entitled to kill the guilty parties in flagrante delicto (No. 19, p. 14). In most cases he contents

684 himself with driving the adulteress from the house. In Urundi
837 one generally does not find the laxity of marital customs which exists in several other Bahima states, for example, in Ankole and among the Massai, where the husband customarily lends his wife to any member of his kin group who happens to visit him. Even in Urundi, however, married Batussi women take much greater liberties with other Batussi men, particularly with members of the kin group, than do unmarried women. However, this does not apply to Bantu men (see p. 101).

586 For this and many other reasons, divorce and dissolution of marriage (uwuhakanji) are frequent occurrences. It is not unusual to find persons who have been married five or six times. Since on the average the purchase price of a bride is quite low and can also be paid back without much difficulty, men and women often use the slightest provocation to separate from each other. If a husband mistreats his wife, she leaves him and returns to her parents or to her relatives who then do not have to refund the purchase price to the guilty husband. [108] If, however, the husband drives his wife away because she is lazy, malicious, or even committed adultery, the parents of the wife have to refund the purchase price of the bride to the husband.

[587] Persons who were divorced may remarry whenever they desire. In case of divorce, small children are left with the mother; of the older children the boys follow the father, and the girls go with the mother (No. 19, p. 174).

587 After the husband's death his widow (umufakasi) becomes the property of the brother or of the closest relative of the deceased (see p. 92), for when she married she was admitted into her husband's family.

587 In East Africa this so-called levirate is also customary
171 among the Sulu, the Wagogo, Massai, Turkana, Kamasia, Galla, Baganda, Banjankole, Banjaruanda, and others (No. 30, Vol. II, pp. 384, 403, 412, 419, 428, 538, 541).

768 If the deceased has neither brothers nor other close rela-
736 tives, the widow returns to her own family and takes her minor

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We shall now list some examples of those names:

Ntare . . . . . = "lion"
Se-ntama . . . . . = "sheep man"
Se-buhene . . . . . = "goat man"
Se-nkôkô . . . . . = "chicken man"
Se-mbga . . . . . = "dog man"
Njangwe . . . . . = "cat"
Se-biti . . . . . = "tree man"
Bissussa . . . . . = "(edible) nettles"
Nyira-massaka . . . = "sorghum girl"
Se-bishimbo . . . . = "bean man"
Se-masuka . . . . . = "hoe man"
Hakiz'umwami . . . = "it is the king who reprieves (or favors)"
Nyiragitondo . . . . = "morning woman" (one born in the morning).
Se-batware . . . . . = "chiefs' man"
Se-mapfa . . . . . = "famine man"
Madjoro . . . . . = "night" (because born during the night).
Semahundo . . . . . = "sorghum-stalk man"
Lwango . . . . . = "the one who hates"
Luvuga-make . . . . = "the one who speaks little" (that is, the quiet one).
Se-bazungu . . . . . = "Europeans' man," that is to say, born upon the arrival of the Whites.
Ndegeya . . . . . = "man with a sixth finger," that is to say, born with this peculiarity of a sixth finger.

granted a fair amount of respect, and the child is treated well, but from our point of view his education is nil.

684 As happens among most Negro peoples, the law is very strict for extramarital crimes.

684 It is not extraordinary to hear that a wronged husband has taken justice into his own hands, especially if the culprits were caught in flagrante delicto. As for unwed mothers (ibinyandaro), in the Bugoyi 684 they were abandoned on the islands of Lake Kivu where they died of 848 starvation. The small, rocky, and completely arid islands of Ntera, Kapfunuka, and Itembabagoyi were renowned on this account, along with the larger but deserted islands known by the name of Bugarura, Wawu, etc. In the Nduga and other provinces bordering the Akanyaru, the girls were inexorably hunted out by the chiefs, who had them drowned in the river. They were thrown in with their hands and feet tied, and if they did not sink below the water right away, they were knocked on the head with oars and clubs, under the eyes of the populace who had come to witness their torture. There is a river dweller who is in charge of the execution of those unfortunate victims and who tells cold-bloodedly of the drownings he has carried out. If one is to believe him, a dozen victims have passed through his hands. It is said that a grandfather acted as his own granddaughter's executioner to avoid persecution by the chiefs, who take advantage of /53/ the opportunity to pillage the home of the wrongdoer's relatives. Occasionally, families succeeded in ransoming their child by giving a cow to the local authorities, but obviously such recourse was not available to everyone. Even in this case the newborn child was pitilessly killed at birth. Sometimes the culprit could also be made to escape in time to Urundi, the Ndorwa, or the Congo. The motive alleged for such severity is fear of the punishment that would not fail to befall the country if such crimes were allowed.

Let us add that we are speaking of the past, and that today it 181 would be very difficult to dispose of the criminals without the knowledge of the Europeans. Crimes of this kind, moreover, were relatively rare. The Banyarwanda are indeed superior by far to neighboring peoples as far as morality is concerned. It is of little moment that this should be attributed to the altitude of the country, which reaches an average of 1, 700 or 1, 800 meters, or to their working habits, both of which facts are incidentally quite true.

[152 In any event the women are very shy. So are the nubile girls, 862] who are closely watched by their mothers.

754 11. In order to wreak vengeance on an unfaithful wife who
684 has left the conjugal home, the husband fetches a plant known by the
837 name of uruburamadjo /406/ the etymological meaning of which (kubura kujya) is "to have no place to go," that is to say, to have no place to stay. This indicates the use to which the angered husband puts the plant, and the results he expects from it. He braids it into a sort of pad upon which he must place butter or pour castor oil that belonged to the unfaithful woman. The mystic pad is hidden under a rock. It must be removed a month later and placed under another rock. This method, add the credulous natives, infallibly creates difficulties between the fugitive woman and her temporary husbands. She will be dismissed as many times as her first spouse shifts the magic pad.

783 B. Purifiers or exorcisers of all sorts and exhumers or mutilators
791 of corpses. In order to ward off evil spells and the deadly consequences that might derive from certain events such as the violation of a taboo, the burning of a hut, a murder, the coming across a corpse or a killed animal, or to avert the fury of a spirit on the rampage, the king, his court, and his subjects call upon the services of people called by the name of Abashumburuzi, Abahanyi b'amachumu, Ababuzi, etc. Like their other colleagues in the occult, mysterious, and magical sciences, these practitioners enjoy official and legal recognition.

1. The Abashumburuzi, sorcerers who are resorted to by taboo violators.

Abashumburuzi is the title given by the people of the Lukiga (that is, the mountain people) to a group of purifiers whose function is often the same as that of the mugangahuzi, or "protectors against lightning," with whom they are often wrongly identified.

755 The mushumburuzi, if one holds to the etymological meaning
783 of his trade, is believed to have the power of expelling spirits from the body of a sick person (1). To do this, /407/ he performs veritable exorcisms, makes magic passes over the body of the patient, calls the spirits by name, and begs them to let go of their victim. He holds in the hand a bunch of shrub branches endowed with magic properties and moves them over the body of the sick person.

The spirit that caused the illness takes refuge in the symbolic broom. Then all the magician has to do is to take the spirit-chasing

685 except through the mediation of the chiefs. They try to pay
[867] them back by thievery. Parents try to teach their children not to steal by burning their fingers.

684 Crimes against established morals are also severely punished in Ruanda, although it is commonly maintained that these punishments are being mitigated. Formerly seduced girls of Kissaka, as well as their seducers had to pay with their lives. They were either thrown into the water or hanged from the roof of the hut above the burning hearth. At the present time the severest punishment is to banish the girl.

681 The official death penalty in Ruanda is to break the criminal's neck (kuhotora) or to impale him. In Lwabugiri's day, when the death penalty was more frequently administered, it is said that criminals were also thrown into the swamp with their arms and legs cut off. However, among the skulls collected by my men in Nyanza, in the swamp into which executed criminals were thrown, [279] there were some that showed traces of blows from a bush knife.

In the kuhotora type of execution, the head is put between two pieces of wood and twisted back with this leverage device.

The royal executioner, the Mutwa Muhenehene, is said to kill the king's victims with a spear.

The bodies of those executed in Nyanza are allegedly given to the king's dogs to devour.

The impaled criminal whom Dr. A. Römer had an opportunity to observe was tied between two bamboo sticks running the length of the body, one in front, the other behind. His hands were tied together in front. A stake three or four centimeters thick ran through his body from the perineum to the cranium, without injuring the neck externally. The corpse had no lower leg bones. It was already so decomposed that one could not tell whether these bones had been picked off by hyenas or chopped off by the executioner. The natives who were questioned were not in agreement about this. Dr. Kandt (1) gives the word kuvamba for impaling.

[113]

1. Kandt, R., "an account of his travels and research in Ruanda in Mitteilungen aus den Deutschen Schutzgebieten 1901, p. 120.

8: Hall G-5 (1929-31) 1938 FO42 Rundi FO42

up, partly on the personality of the administrative officer of the day, and partly on his own judgement. In any event, conflict with the indigenous system at some points was to be expected, together with permanent modifications to give expression to the alteration of the status of the Hutu.

The System of Marriage in Bugufi

(*as disclosed by Native Court records*)

The normal precedent to marriage is formal betrothal, which must be effected by members of a woman's family, and a contract which she makes herself or through unauthorized persons is void.

Instances: A girl goes to a neighbour, who takes her to the man of her choice and offers her in marriage, the offer being accepted and bride-wealth being paid. Her father is sued for refusing to give the girl in marriage and wins the case, the neighbour who received the bride-wealth being ordered to refund it.

A man sues another for seducing his sister. The defence is that he and she agreed to marry. The Court finds that there could be no agreement since there were no witnesses of any kind, much less the woman's mother or brother who ought to have been present.

But there is a case of this rule being overridden by a wealthy man.

A man, brought to Court by a woman's guardian for seducing her, says that he wishes to marry her and considered himself wealthy enough to dispense with the usual preliminaries, and in any case did not know who her relatives were. He is fined, but is permitted to pay bride-wealth and marry the woman. The Court adds that the fine would have been larger had not the woman expressed her desire to marry the man.

The neighbour cited above who acted as the woman's agent had only to refund the bride-wealth which he had received: but in another case a man was imprisoned for enticing away a woman and giving her in marriage without her father's knowledge or consent.

Betrothal is only binding for a reasonable time.

Instances: A woman having been betrothed and the man having delayed to come to complete the marriage, her father marries her off to another man and refunds the bride-wealth.

A woman is betrothed to one man and married off to another. It is found that the former has been looking for bride-wealth for eight years, and he is held to have no justification for claiming the woman.

8: Hall G-5 (1929-31) 1938 FO42 Rundi FO42

her husband gave her no clothes. She is ordered to return to him, as she had made no complaint to her father. 586

A wife who went back to her relatives because her husband walked out of the house, saying it smelt, is ordered to return to him. 691

So with a wife who left her husband on account of his deafness.

And another who said that her husband was impotent, but could not satisfy the Court of this.

Another runaway wife is returned to her husband and told to sue before the Court at a later date if she has any concrete reason for disagreement with him, such as his failure to produce clothes or to work on the land.

The seducer of an unmarried woman is always punished and may have to pay compensation to her father. In one such case compensation is ordered on account of the girl being 'destroyed'. In the case, however, of the man who has enticed away a married woman or has willingly accepted a wife who has deserted her husband, there is no such uniformity of practice, and much depends on the circumstances of the case. Usually the man is punished or at any rate cautioned. 684

Instances: A wife leaves her husband and offers herself to another man. She is returned, much against her will, to her husband, and the third party is fined and informed that he will be imprisoned if he accepts the woman again.

An enticer offers the defence that he is willing to pay bride-wealth to the woman's father. She is returned to her husband, whom the enticer, as well as being fined, has to compensate.

A wife, having run away, is reclaimed by her husband, and the man to whom she has gone is punished.

But in four cases, he is only cautioned.

Sometimes the woman is returned without her unlawful partner being punished.

Instance: A runaway wife, pregnant by another man, is returned to her husband, in spite of her alleging against him that he deprives her of food and clothes, is always wandering, and has accused her of witchcraft. (The Court was probably sceptical of the veracity of so formidable an indictment.) The child, when born, is to belong to the original husband, but there is no further mention of the other man.

On other occasions, presumably when the husband has been at fault, the second partner is allowed to refund the amount of his bride-wealth and to retain the woman as his lawful wife. [586] [587]

9:Maquet E-5 (1949-1951)1961 FO42 Rundi FO42

girl's father, allowing a sufficient time for the latter to consult his patrilineage. If the answer was favourable, the meeting took place. Accompanied by a kinsman or a client, the boy's father came to visit the girl's father and offered him a jug of beer. After some preliminary talk, he came to the point and asked for the girl.

These preliminary steps were taken very skilfully. Nobody should ever be directly refused. If the girl's kinsfolk did not want the match, the visit of the boy's father was indefinitely delayed under several pretexts. Nobody should be put in such a position as to lose face. The boy and the girl were never officially consulted during these preparatory stages. If, however, one of them categorically refused the choice made, he was not obliged to marry. But it happened very rarely and the opposition of the individual concerned had to be extremely persistent if it was to succeed.

To marry a certain girl against the consent of one's own and her parents was impossible. But the following procedure could be attempted. The boy hid himself in a place to which he knew the girl would go. When she was coming he spat in her face a certain herb which had been chewed and mixed with milk (*imbazi*). They were then considered married as this was the central rite of any wedding. Often the ordinary wedding ceremonies followed. If, however, the girl's inzu were still opposed to that match, they obliged the girl to whistle and milk a cow. As both these actions were tabooed for a married woman, it was clearly meant that the girl was not married. The boy's father had then to pay a fine to the girl's people as a reparation for the wrong done to the girl's family.[8]

In secondary marriages (any marriage subsequent to the first one) there were not many more cultural criteria determining the choice of the spouse. Sororal polygyny was permitted but rare. In order to obtain new connexions the husband preferred to choose subsequent wives from an inzu other than that of his first wife Another reason given is that to have two or three sisters as wives brought more domestic troubles than wives who were not consanguineal relatives. If, however, his first wife was sterile, the husband was likely to ask for one of her sisters or parallel cousins as a second wife, without paying bride-wealth. But this was not a sororate, for the first wife's sister was not said to give birth to children for her sister: she was regarded as bearing them for herself.

[8] See description of other forms of this type of marriage in Pauwels, 1951, pp. 128-9.